

EXHIBIT D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Christine L. Brakel et al.)
Serial No. 08/479,999) Group Art Unit: 1803
Filed: June 7, 1995) Examiner: Gary L. Kunz, Ph.D.
Title: MODIFIED NUCLEOTIDE) PREVIOUS GROUP ART UNIT: 1803
COMPOUNDS) PREVIOUS EXAM'R: Gary L. Kunz, Ph.D.

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527 Madison Avenue, 9th Floor
New York, New York 10022
September 9, 1996

FILED BY EXPRESS MAIL

Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Attention: Application Processing Division

**COMMUNICATION IN RESPONSE TO AUGUST 8, 1995 NOTICE OF INCOMPLETE
APPLICATION FILED UNDER 37 CFR 1.60 AND AUGUST 8, 1995 NOTICE TO FILE
MISSING PARTS OF APPLICATION -- NO FILING DATE**

Dear Sir or Madam:

This Communication is in response to the Notice of Incomplete Application Filed Under 37 CFR 1.60 and Notice To File Missing Parts of Application -- No Filing Date, both of which were issued by the Application Processing Division on August 8, 1995.

In response to the two Notices (copies attached), Applicants wish to point out that it was Applicants' intention to file the subject application as a Rule 1.62 continuation (and not as a Rule 1.60 continuation). The issuance of the two Notices probably resulted from Applicants' June 7, 1995 continuation request having been inadvertently designated as a Rule 1.60 filing instead of a Rule 1.62 filing. The return postcard stamped by the Mail Room of the Patent and Trademark Office (copy attached hereto) showed that Applicants had intended to rely on Rule 1.62 for their June 7, 1995 continuation application.

Enz-47(C2)

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No <u>EH438873865</u>	
Deposit Date	<u>SEPTEMBER 9, 1996</u>
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231	
Ronald C. Fedus Reg. No. 32,567	<u>SEPT 9 1996</u> Date

Christine L. Brakel et al.
Serial No. 08/479,999
Filed: June 7, 1995
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Filed Under 37 CFR 1.60 And August 8, 1995 Notice To File Missing Parts of Application
-- No Filing Date - September 9, 1996)

Applicants respectfully request that the two Notices be withdrawn and that the subject application be treated as a Rule 1.62 continuation accorded its June 7, 1995 filing date. Concurrently with this Communication, Applicants are filing a Petition To Revive An Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b) in which the Rule 1.62 intent is expressed. In addition, Applicants are also concurrently filing a Petition Under 37 C.F.R. §1.182 in order to obtain a June 7, 1995 filing date for this application.

Any inconvenience caused by Applicants' June 7, 1995 continuation request is sincerely regretted.

No fee is believed due for this Communication. In the event that any fee or fees are due, however, The Patent and Trademark is authorized to charge Deposit Account No. 05-1135 for any such fee or fees, and to credit any overpayment thereto.

If it would be helpful to the processing of this application, the undersigned may be contacted by telephone at 212-583-0100, and by facsimile at 212-583-0150.

Respectfully submitted,



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